APPENDIX

APPENDIX

APPENDIX page 1.
(reproduction of letter)

Feb. 14, 1970

Commissioner of Patents
Washington, D.C.

Dear Sir:

Requesting permission to prosecute to a conclusion my own patent application for a System of Stereo called "Time Division."

Former attorneys were:
Clarence A. O'Brien
&
Harvey B. Jacobson

MY COURSE OF ACTION WILL BE:

1. Add clearer english to the abstract.
2. Deletion of all nine(9) claims.
3. Add two(2) concise claims in my own words.
4. Reply to examiner's request for comments upon four (4) previous patents closely related but not the same.

Respectfully,

Joseph M. Rice

* * * * * * * * *

MY FIRST NEW CLAIMS

WHAT IS CLAIMED AS NEW IS AS FOLLOWS:

1.

A system of switching simultaneously a plurality of information such as needed for the transmission and reception of stereo using the carrier itself for the synchronizing of the receiver with the transmitter, and pertaining in particular to amplitude modulation systems of any frequency whether caused to be radiated as electromagnetic waves or transmitted over metallic circuits such as telephone or co-axial cable where more than one set of data, signals, audio material,

or other intelligence is to be keyed,gated, or otherwise switched in synchronism for deciphering into its' component parts.
2.

A system of stereo broadcasting which could be easily adopted by the Federal Communications Commission for the standard broadcast band which is 535-1600 KHz and which system is full compatible with existing receiving apparatus and which also would not make obsolete any existing transmitters, frequency monitors, modulation monitors, phase monitors or effect the annual proof-of-performance measurements of all broadcasting stations, and for which new rules could be made by petitioning FCC under present rule-making procedures as set up by FCC.

* * * * *

NOTE:

Patent Office objected to claim two in that it was not pertinent to claims, but rather was only a statement of its use.

I agreed with them and sent four(4) new claims to be added to claim one(1) of above.

I point out this is the recommended procedure with the Patent Office to operate in this manner. Their rules state that amendments can only be made as long as the one independent claim is retained.

I also point out to this Court that when amendments to claims are submitted the numbering must be a continuation of the existing claims: thus, my four (4) new claims would become 3,4,5 and 6. It is the duty of the clerk of the Patent Office to re-number them so that my claim 1 remains claim 1, and claim 2 is deleted, and my new claim 3 becomes claims 2 etc.

REPRODUCTION OF MY LETTER
RE: NEW CLAIMS

December 29, 1970

Commissioner of Patents
Washington, D.C.

Dear Sir:

RE- 740 649-D'Amico-AM Stereo System-Joseph M. Rice

Enclosed are amendments to my claims. Application date for reply is January 18, 1971. Under separate cover is my filing fee for an appeal with appropriate filing fee enclosed.

Will you please do the following before I send in my brief ~~in supplement~~ to my other arguments now at your office?

1. retain claim #1 as it is.
2. delete claim #2
3. add the enclosed claims in the form of an amendment. It is my understanding you will change numbering so that the enclosed #3 becomes #2 etc.

Sincerely Yours,

Joseph M. Rice

* * * * * * * * *

AMENDMENTS IN QUESTION

3.

The system of claim 1 discloses my realization that the carrier in any system called amplitude modulation exists separately and is not affected by the modulation process and therefore can be used as a switching device

to maintain the transmitter switching of a plurality of audio information in synchronism with the switching of any number of receivers so that either distinct left and right channels can be maintained through any transmission path, or separate spacial information can be transmitted without switching and these combined in a matrix circuit to separate in a known manner.

4.

A system using claim 3 on a normal amplitude modulated transmitter to transmit audio information derived from at least two audio sources, comprising means for transmitting and receiving said transmitted signals at a predetermined carrier frequency, means of amplitude modulating said transmitter with said audio information, said audio information being switched by the carrier, means for demodulating the modulated transmitted signal to reproduce the original audio information, means to separate the received audio information into at least two paths in accordance with the transmitted audio sources by using the said carrier wave alternations to operate a polarity sensitive switching device.

5.

A system of claim 4 comprising a transmitter composed of means to generate the carrier frequency, means to amplify to any desired power output, means to amplitude modulate said carrier amplifier, means to sample said carrier generator frequency in a stage before modulation, means having an input and an output, a carrier-controlled switching circuit interposingly connected between said channels to said modulator input, modulator amplifier means connecting said modulator output and said carrier signal generator to produce an amplitude modulated transmitted signal.

6.

A system of claim 4 comprising a receiver capable of receiving said transmitted signal, means to detect said amplitude modulated signal, means to convert detected signal to the original transmitted audio information, said detector means having an output, first and second audio output channels, a carrier signal-controlled switching circuit interposingly connected between said detector output and said first and second audio output channels to alternately connect said detector output to said audio channels to synchronize with the original audio information at the transmitter.

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SUMMARY ACTION

paper No. 12

FINAL REJECTION
PATENT OFFICE
CLAIMS 1, 2.....are rejected

THIS ACTION IS MADE FINAL

ART UNIT 12
serial No. 740 649

Claims 1 and 2 are rejected under 35 USC 102 as anticipated by Van der Meulen. Applicant in his response argued that the Van der Meulen patent is based on a false premise. Regardless of whether or not recent theory has dispelled the old concept of modulating the carrier the facts are that Van der Meulen discloses an invention in which the receiver(not necessarily a radio receiver) utilizes the carrier to switch information into two separate(NOTE: THIS IS NOT THE CARRIER VAN DER MEULEN IS TALKING ABOUT) and distinct channels. The particular carrier frequency used is of no consequence as the main idea is present. The

premise may have been wrong however the invention could operate very well based on the present day accepted theories. It is noted that patents are granted on a technical basis for structure or methods without regard to F.C.C. regulations or laws.

Claims 1 and 2 are rejected under 35 USC 102 as anticipatei by etiher Kidd or Jenkins, both of these inventors modulate(please check definition of modulation process-inserted by appellant) positive cycles of the carrier with one signal and the negative cycles of the carrier with another signal(impossible to do this-appellant). Jenkins differs slightly in obtaining his carrier as he originally starts with two carriers, however, he eventually winds up with one carrier.(check definition-appellant) to switch diodes at the receiver. Applicant refers to this process as synchronizing however this is not technically correct. Applicant's invention is a zero crossing detector using the carrier(check definition of carrier-app.) for switching. Synchronizing, as defined in the Encyclopedic Dictionary of Electronics and Nuclear engineering, is the maintainence of predetermined relations,e.g. speed between various systems and components.

Claims 1 and 2 are rejected under 35 USC 112 for containing informalities. The claims are neither method nor apparatus claims. That is they neither specify a method for arrving at a particular result nor do they define any apparatus to carry out the idea present. An example of a method claim appears in Van der Meulen while an example of an apparatus claim appears in Kidd.

THIS ACTION IS MADE FINAL

SIGNED BY K.L.CLAFFY-exam.,group art 232

excerpts of appellant's arguments.

NOTE: see my letter pages 57 and 58 transcript of records in reply to the foregoing examiner's statements.

NOTE: see my reply to Jenkins on page 43 of transcript of records.

NOTE: see my reply to Van der Meulen patent of pages 46,47,48 and 49 of transcript of record.

NOTE: see pages 38,39,40,41 and 42 for reply to W.C.Kidd patent of transcript of record.

In my arguments I had pointed out that none of the three cited patents could qualify by any known definition as being AM. Kidd and Van der meulen are not any type of modulation, rather, simply a gating or switching circuit. The invention of Jenkins is positively one known as Frequency Modulation.

NOTE: see page 30 of transcript for definition of MODULATION.

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paper No. 33
Appeal No. 085-03
IN THE U.S. PATENT OFFICE
BEFORE THE BOARD OF APPEALS

ex parte-Joseph M. Rice
serial No. 740 649 AM Stereo System
Joseph M. Rice- pro se
before Andrews, Strader and Bennett,
Examiner's in Chief.
Strader, Examiner-in-chief
THIS IS AN APPEAL FROM THE FINAL REJECTION OF CLAIMS 1 AND 2,ALL THE CLAIMS IN THE CASE.

DECISION OF APPEALS BOARD
May 1, 1972

Claims 1 and 2 stand finally rejected under 35 USC 112 as failing to particularly point out and distinctly claim the invention. The examiner contends that the claims are "vague and hard to follow in that they neither recite a means nor a step for performing a specified function."

We agree with the examiner. Appellant does not claim a series of steps which form the method of his invention, nor does he claim the apparatus which he considers to be his invention. Rather, appellant appears to claim the purpose of his invention. Appellant declares that he should have the right to claim his invention in the manner which he thinks best; however, we must remind the appellant that because the claims determine the invention for which an applicant seeks patent protection, the claims must clearly point out the method or apparatus that an applicant chooses for implementing the purpose of his invention. A mere statement of the purpose of the invention and its advantages over the prior art is not sufficient.

We also remind appellant that the language of the claims in a pending application must be given the broadest reasonable interpretation. Any prior art method or apparatus which is described by an applicant's claim language(given the broadest reasonable interpretation) is considered to be anticipatory of that claimed invention, and the applicant is therefore not entitled to patent protection of that claim. We are of the opinion that appellant's claims 1 and 2 do not clearly set forth the method or apparatus which

appellant discloses as his invention. We will sustain the examiner in his holding that claims 1 and 2 do not satisfy the requirements of the second paragraph of 35 USC 112.

Claims 1 and 2 stand rejected under 35 USC 103 as anticipated by Kidd, Jenkins, or Van der Meulen. The examiner contends that these patents disclose receivers which extract the information modulated (ed. wrong terms) on the carrier by using the carrier wave to synchronize the receiving circuits with the transmitting circuits. The examiner submits that the synchronizing is accomplished by the carrier's controlling the switching of devices in the receiver in the same manner that similar devices are switched in the transmitter. We are of the opinion that claims 1 and 2, in that they recite merely that intelligence is gated or otherwise switched in synchronism by the carrier for deciphering the signal into its component parts, are anticipated by any one of the patents to Kidd, for example, Jenkins, and Van der Meulen. The patent of Kidd, for example, shows a transmitter in which the inputs No. 1 and No. 2 are alternately clamped to ground by the action of oscillator 7 and diodes 5 and 6. The portions of signals No. 1 and No. 2 which are not clamped to ground are then produced alternately at the output 18. Because the input No. 1 must be positively biased and input No. 2 negatively biased for the apparatus to operate as described the output signal at terminal 18 will include alternating positive and negative peaks which correspond to the half-cycles of oscillator 7. The signal

can thus be considered to be an amplitude modulated carrier(ed. NOWAY!) of the frequency of oscillator 7, wherein the amplitude of the positive peaks are determined by input signal No. 1, and the negative peaks by input signal No. 2. At the receiver these peaks are gated by diodes 21 and 22, causing line 21 to follow the negative peaks and line 24 the positive peaks. The diodes are thus switching at the rate determined by the carrier(ed. see definition) frequency.

In figure 3 of the patent of Van der Meulen, diodes 21 and 42 perform the same gating or switching function. Tubes d2 and D3 in Figure 2 of Jenkins similarily perform that switching function.

We have carefully considered the entire record and we are not convinced thereby of reversible error in the examiner's holding that claims 1 and 2 do not satisfy the requirement of 35 USC 112, and that claims 1 and 2 are anticipated by any one of the patents of Kidd, Jenkins, and Van der Meulen.

THE DECISION OF THE EXAMINER IS AFFIRMED

* * * * * * * * *

June 13, 1972

BEFORE THE BOARD OF APPEALS
ex parte Joseph M. Rice

Joseph M. Rice pro se

Before Andrews, Strader and Bennett, Examiner's -in-chief.
Strader, Examiner-in-chief.

REQUEST FOR RECONSIDERATION

REQUEST FOR RECONSIDERATION
TO THE BOARD OF APPEALS

ANSWER FROM BOARD OF APPEALS:

"...This Board has no authority to consider claims not entered by the examiner and not mentioned in the notice of appeal and therefore only claim 1 and 2 were properly before us."

"We have carefully considered our decision in light of appellant's comments and the only error we note therein is the inadvertent omission of the word 'parts' after 'component' in the reproduction of claim 1."

"The request is granted to the extent that we have re-considered our decision but is denied as to making any change therein."

* * * * * * * * *

UNITED STATES COURT OF CUSTOMS & PATENT APPEALS

IN THE MATTER OF THE APPLICATION
OF
JOSEPH M. RICE

appeal No.9181
serial 740 649

DECIDE:Mar 21,1974

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per curiam.

DECISION

The decision of the Board of Appeals is affirmed.

OPINION OF THE BOARD OF APPEALS

The rejection of claims 1 and 2 under 35 USC 102 on any one of the Kidd, Jenkins, and Van der Meulen patents is found free of any reversible error. Each reference discloses"(A) system of switching simultaneously a plurality of information such as is needed for the transmission and reception of stereo using the carrier itself for the synchronizing of the receiver with the transmitter." as stated in the first portion of claim 1. The broad terminology set out in the remainder of claim 1 and in dependent claim 2 also has not been shown to distinguish over the references.

"...THE OTHER CLAIMS, SUBMITTED BY APPELLANT AFTER FINAL REJECTION ARE NOT BEFORE US BECAUSE THE BOARD DID NOT ACT ON THEM AND THE ASSISTANT COMMISSIONER DENIED A PETITION FOR THEIR ENTRY IN THE APPLICATION.

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REPRODUCTION OF A THREE PAGE LETTER FROM ASSISTANT COMMISSIONER OF PATENTS-IN PART:

"...Appellant's amendment dated December 29, 1970, and received by the Patent Office on January 4, 1971, apparently was not called to the examiner's attention, as it was not received by group 230 until sometime shortly before the examiner's answer was actually mailed. Through inadvertence, that proposed amendment was not acknowledged in any way by the Patent Office. We apologize for this lack of earlier acknowledgment and action on the proposed amendment."

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Reproduction of a letter from FCC. Full text appears on page 59 along with my letter on page 57 of the transxript of records.

Harold Kassens,
Chief, Rules & Standards Division
Broadcast Bureau
FCC
Washington, D.C.

November 30, 1971

Mr. Joseph M. Rice:

The terms " assigned frequency" and characteristic frequency used in the above definition, are defined as follows:

ASSIGNED FREQUENCY:

The centre of the frequency band assigned to a station.

CHARACTERISTIC FREQUENCY:

A frequency which can be easily identified and measured in a given emission.

CARRIER:

While the term "carrier" is employed in a number of regulations, it is not specifically defined therein.

CARRIER DEFINITION:

In a frequency stablized system, the sinuosoidal component of a modulated wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal, or a wave generated locally at the receiving terminal which, when combined with the sidebands in a suitable detector, produces the modulated wave."

REFERENCE FREQUENCY:

"Is not a term carried forward in the Commission's rules, but "carrier" is defined in Section 2.1 of our rules, as above."

* * * * * * * * *

June 13, 1972

IN THE UNITED STATES PATENT OFFICE
Before the Board of Appeals

Ex Parte Joseph M. Rice

REQUEST FOR RECONSIDERATION

Appellant's letters received May 8,1972 and May 9, 1972, have been treated as a request for reconsideration of our decision mailed May 1, 1972.

Appellant contends that our decision should have been directed to the FIVE CLAIMS reproduced in his brief. As pointed out by the examiner in the answer, the amendment containing the additional claims had not been entered. We also note that appellant's notice of appeal, filed December 31, 1970, mentioned only claims 1 and 2.

NOTE:
See page 3 of this appendix for my letter of December 29th where I mentioned the five (5) new claims.

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NOTE TO THE SUPREME COURT OF THE U.S.:
All correspondence and briefs from the first day of patent application of June 27, 1968, are in the files of this appellant. Any of the various correspondence may be called up for review to substantiate my assertion that my five new claims rightfully belon belong in the application. There can be no justice rendered if my entire application is not before the Court.

signed,
Joseph M. Rice

JOE RICE
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COVINGTON, KY. 41011